

TEXAS TRANSPORTATION COMMISSION

Various Counties

MINUTE ORDER

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Various Districts

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit B lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A and B.

Submitted and reviewed by:

Recommended by:

DocuSigned by:

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Director, Contract Services Division

DocuSigned by:

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Executive Director

115935 Jan. 28 2021

Minute	Date
Number	Passed

EXHIBIT A
DONATIONS
January 28, 2021

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1.	Ashton Houston Residential L.L.C. and M/I Homes of Houston, LLC	Houston District	Fort Bend	The donor is donating the design and construction of a traffic signal at SH 6 at Watts Plantation Drive and a street tie-in at Shipman's Cove Blvd south of SH 6 into the donors' development in Missouri City, Fort Bend County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$350,000.00.	\$350,000.00	11/27/2020
2.	Centex Las Estancias 2, L.P.	Austin District	Hays	The donor is donating the design (\$31,000.00) and a fixed amount of \$114,735.00 to cover the state's cost to construct a left turn and deceleration lane for the Las Estancias 2 subdivision on SH 21, Hays County, Texas. The design work will be provided by the donor, its consultant or its contractor, TxDOT will accept the design, and let the project for construction as part of CSJ#0471-02-070. The construction work will be provided by the state, its consultant or its contractor. <i>(Replaces previously acknowledged on 10/29/2020 due to an increase in the estimated value from \$118,454.00 to \$145,735.00.)</i>	\$145,735.00	12/16/2020
3.	Cromwell Street, LLC	San Antonio District	Bexar	The donor is donating the design and construction of concrete median for turnaround lane, restriping and new pavement markings for through lanes on IH 10 W frontage road at Camp Bullis Road in San Antonio, Bexar County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$83,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$83,000.00	11/23/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
4.	Highway 71 JHM, L.C.	Austin District	Travis	The donor is donating the design and construction of a traffic signal modification at the intersection of SH 71 and RM 2322 in Austin, Travis County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$77,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$77,000.00	11/25/2020
5.	Imperial Promenade, Inc.	Houston District	Montgomery	The donor is donating the design and construction of a right turn lane from westbound frontage road of SH 99 in the donor's development in Spring, Montgomery County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$150,000.00.	\$150,000.00	12/08/2020
6.	Kourosh Investment LLC	Tyler District	Smith	The donor is donating the design and construction of 370-feet of right turn lane into the donor's development on US 69 North in Mineola, Smith County, Texas. The improvements consist of demolition, traffic control, asphalt, sub grade and pavement markings. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$110,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$110,000.00	12/08/2020
7.	Larkspur at Shadow Creek, LLC	Houston District	Brazoria	The donor is donating the design and construction of a left turn lane from westbound Shadow Creek Parkway (FM 2234) into the Drever Larkspur Pearland development in Pearland, Brazoria County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$210,000.00. <i>(Replaces previously acknowledged for Larkspur at Shadow Creek Venture, LLC on 9/24/2020 due to a change in donor.)</i>	\$210,000.00	12/14/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
8.	Lennar Homes of Texas Land and Construction, Ltd. dba Friendswood Development Company	Houston District	Montgomery	The donor is donating the design and construction of a traffic signal and an 800' sidewalk along the west side of Ladera Creek Trace at the intersection of Loop 336 and Ladera Creek Trace into the donor's development in Conroe, Montgomery County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$340,000.00.	\$340,000.00	11/25/2020
9.	Market at Willis Associates, LLC	Houston District	Montgomery	The donor is donating the design and construction of left and right turn lanes and signal improvements from northbound IH 45 exit ramp into the donor's development in Willis, Montgomery County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$510,000.00.	\$510,000.00	11/20/2020
10.	Parkside 45-830, LLC	Houston District	Montgomery	The donor is donating the design and construction of a two way left turn lane and right turn deceleration lane from westbound FM 830 into the donor's development in Conroe, Montgomery County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$430,000.00.	\$430,000.00	12/01/2020
11.	Solms Landing Development, LLC	San Antonio	Comal	The donor is donating the design and construction of a right turn and left turn lane for a new development entrance on FM 306., approximately 0.60 Miles South of IH 35 in New Braunfels, Comal County, Texas. The design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$170,000.00.	\$170,000.00	11/25/2020
12.	Texas DPS Troopers Foundation, Inc.	Traffic Safety	Brooks	The donor is donating a fixed sum of \$4,416.00 to design, fabricate, and install two memorial highway designation signs on the portion of US 281 between County Road 304 and FM 755, designated as the Corporal Roel Garcia Memorial Highway within Brooks County, Texas. The design, fabrication, and installation of the signs will be provided by the state.	\$4,416.00	12/08/2020

EXHIBIT B
DONATIONS
January 28, 2021

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION
1	Holdsworth & Nicholas, Inc. dba Texas MedClinic	Austin	Travis	The donor is donating \$2,080.00 under the Sponsor a Highway Program for a period of 2 years. This is a new contract on an existing sign location.
2	Riptide Waters, LLC dba Rambler Sparkling Water	Austin	Travis	The donor is donating \$1,980.00 under the Sponsor a Highway Program for a period of 2 years. This is a new contract on an existing sign location.
3	Total Men's Primary Care	Austin	Travis	The donor is donating \$1,080.00 under the Sponsor a Highway Program for a period of 2 years. This is a new contract on an existing sign location.
4	Total Men's Primary Care	Austin	Travis	The donor is donating \$4,320.00 under the Sponsor a Highway Program for a period of 2 years. This is a renewal on three existing sign locations.
5	Holdsworth & Nicholas, Inc. dba Texas MedClinic	Austin	Williamson	The donor is donating \$1,742.40 under the Sponsor a Highway Program for a period of 2 years. This is a new contract on an existing sign location.
6	Total Men's Primary Care	Dallas	Collin	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program
7	Total Men's Primary Care	Dallas	Dallas	The donor is donating 2 miles of litter pick up per month for 2 years under the Sponsor A Highway Program
8	Pelican Insurance Agency, LLC	Houston	Harris	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program
9	Holdsworth & Nicholas, Inc. dba Texas MedClinic	San Antonio	Bexar	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program